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11 *GSAA Home Equity Trust 2006-17, Asset-Backed Series 2006-17*

12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14 DEUTSCHE BANK NATIONAL TRUST
15 COMPANY, AS TRUSTEE FOR GSAA
16 HOME EQUITY TRUST 2006-17, ASSET-
17 BACKED CERTIFICATES SERIES 2006-17,

18 Plaintiff,

19 vs.

20 EDWARD KIELTY TRUST; an entity of
21 unknown form; CANYON TRAILS
22 HOMEOWNERS ASSOCIATION, a Nevada
23 non-profit corporation; TERRA WEST
24 COLLECTIONS GROUP, LLC d/b/a
25 ASSESSMENT MANAGEMENT SERVICES;
26 DOE INDIVIDUALS 1 through X; and ROE
27 CORPORATIONS I through X, inclusive,

28 Defendants.

EDWARD KIELTY TRUST, a Nevada Trust,

Counterclaimant,

vs.

DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE FOR GSAA

Case No.: 2:17-CV-01759-RFB-PAL

**STIPULATION AND ORDER TO
EXTEND DISCOVERY FOR THE SOLE
PURPOSE OF TAKING DEPOSITION OF
TERRA WEST MANAGEMENT
SERVICES**

(Second Request)

HOME EQUITY TRUST 2006-17, ASSET-
BACKED CERTIFICATES SERIES 2006-17,

Counterdefendant.

COMES NOW Plaintiff/Counterdefendant, DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR GSAA HOME EQUITY TRUST 2006-17, ASSET-BACKED CERTIFICATES SERIES 2006-17 (hereinafter "Deutsche Bank"), Defendant/Counterclaimant, EDWARD KIELTY TRUST (hereinafter "EKT"), and Defendant, CANYON TRAILS HOMEOWNERS ASSOCIATION (hereinafter "HOA"), by and through their undersigned and respective counsel, and hereby stipulate and agree to a thirty (30) day extension to the discovery deadline and dispositive motion deadline for the sole purpose of deposing the F.R.C.P. 30(b)(6) Witness for the HOA's Management Company, K.G.D.O. Holding Company, Inc. d/b/a Terra West Management Services (hereinafter "Terra West"). This is the parties' second request for this extension and is not intended to cause any delay or prejudice to any party.

I. DISCOVERY COMPLETED BY THE PARTIES

1. Deutsche Bank's Initial Disclosures pursuant to F.R.C.P. 26(a), served 09/21/2017;
2. Deutsche Bank's First Set of Interrogatories to EKT, served 11/8/2017;
3. Deutsche Bank's First Set of Requests for Production of Documents to EKT, served 11/8/2017;
4. Deutsche Bank's First Set of Requests for Admission to EKT, served 11/8/2017;
5. Deutsche Bank's Initial Expert Disclosure, served 11/29/2017;
6. Deutsche Bank's Subpoena Duces Tecum to Terra West Collections Group, LLC d/b/a Assessment Management Services (hereinafter "AMS"), served 12/21/2017;
7. EKT's Responses to Deutsche Bank's First Set of Requests for Admission, served 01/05/2018;
8. EKT's Responses to Deutsche Bank's First Set of Interrogatories, served 01/05/2018;
9. Deutsche Bank's Notice of Deposition of EKT, served 01/05/2018;

- 1 10. The HOA's Initial Disclosures pursuant to F.R.C.P. 26(a), served 01/08/2018;
- 2 11. The HOA's First Set of Requests for Admission to Deutsche Bank, served
- 3 01/08/2018;
- 4 12. The HOA's First Set of Requests for Production of Documents to Deutsche
- 5 Bank, served 01/08/2018;
- 6 13. The HOA's First Set of Interrogatories to Deutsche Bank, served 01/08/2018;
- 7 14. The HOA's Rebuttal Expert Disclosure, served 01/08/2018;
- 8 15. AMS's Response to Deutsche Bank's Subpoena Duces Tecum, served
- 9 01/09/2018;
- 10 16. EKT's First Set of Interrogatories to Deutsche Bank, served 01/09/2018;
- 11 17. EKT's First Set of Requests for Production of Documents to Deutsche Bank,
- 12 served 01/09/2018;
- 13 18. EKT's First Set of Requests for Admission to Deutsche Bank, served
- 14 01/10/2018;
- 15 19. EKT's Initial Disclosures pursuant to F.R.C.P. 26(a), served 01/10/2018;
- 16 20. EKT's Responses to Deutsche Bank's Requests for Production of Documents,
- 17 served 01/10/2018;
- 18 21. Deutsche Bank's Notice of Deposition of HOA, served 01/11/2018;
- 19 22. Deutsche Bank's Notice of Deposition of AMS, served 01/11/2018;
- 20 23. Deutsche Bank's First Supplemental Disclosure pursuant to F.R.C.P. 26(a),
- 21 served 01/24/2018;
- 22 24. Deutsche Bank's Amended Notice of Deposition of AMS, served 01/24/2018;
- 23 25. The Deposition of the F.R.C.P. 30(b)(6) Witness for EKT, conducted
- 24 01/25/2018;
- 25 26. The Deposition of the F.R.C.P. 30(b)(6) Witness for Canyon Trials, 02/01/2018
- 26 [Non-Appearence Taken];
- 27 27. The Deposition of the F.R.C.P. 30(b)(6) Witness for AMS, conducted
- 28 02/02/2018;

1 28. Deutsche Bank's Second Supplemental Disclosure pursuant to F.R.C.P. 26(a),
2 served 02/08/2018;
3 29. Deutsche Bank's Responses to EKT's Interrogatories, served 02/09/2018;
4 30. Deutsche Bank's Responses to EKT's Requests for Production of Documents,
5 served 02/09/2018;
6 31. Deutsche Bank's Responses to EKT's Requests for Admission, served
7 02/09/2018;
8 32. HOA's Responses to Deutsche Bank's Interrogatories, served 02/20/2018;
9 33. HOA's Responses to Deutsche Bank's Requests for Admission, served
10 02/20/2018;
11 34. HOA's Responses to Deutsche Bank's Requests for Production of Documents,
12 served 02/21/2018;
13 35. HOA's First Supplemental Disclosure pursuant to F.R.C.P. 26(a), served
14 02/22/2018;
15 36. Deutsche Bank's Amended Notice of Deposition of HOA, served 02/22/2018;
16 37. Deutsche Bank's Responses to HOA's Requests for Admission, served
17 02/22/2018;
18 38. Deutsche Bank's Responses to HOA's Requests for Production of Documents,
19 served 02/22/2018;
20 39. Deutsche Bank's Responses to HOA's Requests for Admission, served
21 02/22/2018;
22 40. The Deposition of the F.R.C.P. 30(b)(6) Witness for Canyon Trials, 02/27/2018;
23 and
24 41. Deutsche Bank's Notice of Deposition and Deposition Subpoena of Terra West,
25 served 03/06/2018.

26 **II. DISCOVERY TO BE COMPLETED IN THE FUTURE**

27 1. The Deposition of the F.R.C.P. 30(b)(6) Witness for Terra West, currently
28 noticed for 03/22/2018.

1 **III. REASONS THAT DISCOVERY WAS NOT TIMELY COMPLETED**

2 The parties seek an extension for the limited purpose of conducting the deposition of the
3 F.R.C.P. 30(b)(6) witness for Terra West. It was not until the Deposition of the F.R.C.P.
4 30(b)(6) witness for the HOA on February 27, 2018, that it became apparent that the HOA's
5 Management Company, Terra West, would have more knowledge with respect to the underlying
6 Property, the collections process, and the subsequent HOA foreclosure sale. Based thereon, the
7 parties are unable to complete this deposition within the existing discovery cutoff date, which is
8 currently March 12, 2018.

9 **IV. REASONS WHY DISCOVERY SHOULD BE EXTENDED:**

10 Good cause exists to extend the discovery cutoff and dispositive motion deadline thirty
11 (30) days for the limited purpose of deposing Terra West.¹ Good cause to extend the discovery
12 cutoff exists "if it cannot reasonably be met despite the diligence of the party seeking the
13 extension." *See Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 608-09 (9th Cir. 1992).
14 Here, Deutsche Bank completed the Deposition of the F.R.C.P. 30(b)(6) witness for the HOA
15 within the discovery period; however, it was not until the Deposition of the F.R.C.P. 30(b)(6)
16 witness for the HOA, that it became apparent that the HOA's Management Company, Terra
17 West, would have more knowledge with respect to the facts and circumstances in this case.

18 **V. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY**

19 The parties propose that all dates in the current Stipulated Discovery Plan and Scheduling
20 Order, ordered on February 9, 2018 [ECF No. 30], be amended as follows:

- 21 1. Discovery cut-off: currently March 12 2018, desired April 11, 2018.
22 2. Dispositive Motions: currently April 11, 2018, desired May 11, 2018.

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¹ The parties request a thirty (30) extension, as opposed to an extension until the date Terra West's Deposition is currently noticed for, 03/22/2018, in the event that there are scheduling conflicts with Terra West.

1 **VI. CERTIFICATE OF CONFERENCE**

2 Counsel for all appearing parties has conferred via email with respect to these issues. All
3 counsel have signed below, thereby indicating their approval of the instant Stipulation to Extend
4 Discovery and Dispositive Motion Deadline and do not request a conference before the Court
5 prior to entry of a new Scheduling Order. This is the parties' second request for an extension
6 and is not intended to cause any delay or prejudice to any party.

7 DATED this 7th day of March, 2018.

DATED this 7th day of March, 2018.

8 WRIGHT, FINLAY & ZAK, LLP

AYON LAW, PLLC

9
10 /s/ Lindsay D. Robbins, Esq.

/s/ Allison R. Schmidt, Esq. for

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16 DATED this 7th day of March, 2018.

17 LIPSON, NEILSON, COLE, SELTZER &
18 GARIN, P.C.

19 /s/ David A. Markman, Esq.

20 David A. Markman, Esq.
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Attorney for Canyon Trails Homeowners
Association

24 **ORDER**

25 **IT IS SO ORDERED.**

26 
27 UNITED STATES MAGISTRATE JUDGE

28 DATED this 8th day of March, 2018.